Writ Petition no.495 (S/S) of 2003

Smt. Kusum Lata Portion--- Petitioner

Versus

Director General of Medical & Health and others Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri Lok Pal Singh learned counsel for the petitioner and learned Standing Counsel.

The petitioner who is a nurse in government hospital Roorkee district Haridwar has been transferred vide order dated 14.7.2003 to district Tehri. The petitioner has challenged this order on the ground that her children are studying in different classes at Roorkee. The transfer is the exigency of service and the petitioner cannot challenge the transfer order alone on this ground that her children are studying at a particular place. The learned counsel for the petitioner has submitted that the transfer order has been made in mid- session. The learned Standing Counsel has submitted that the transfer order has been made in the month of July itself and as such the transfer cannot be said to be in the mid-session. The learned counsel for the petitioner has further submitted that the petitioner has opted for State of U.P. and she may be relieved to U.P. at any time and as such she is entitled for stay. The petitioner is working in the State of Uttaranchal and the State of Uttaranchal has full control over the employees and the government can transfer any employee working under its control. There is no force in the submission of the learned counsel for the petitioner.

The learned counsel for the petitioner has lastly submitted that this is a mercy petition. In view of the fact that this is a mercy petition the respondents are directed to decide the representation of the petitioner dated 15.7.2003 annexure 5 to the writ petition within two weeks from the date of production of certified copy of this order. The representation shall be decided by a speaking order and with sympathetic view.

With these observations the writ petition is finally disposed of.

(M.M.Ghildiyal.J.)

July 28, 2003

MPS